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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,530	08/07/2007	Yuji Fujita	SANKY P-322/500615.20299	4418
26418 7590 03/06/2009 REED SMITH, LLP ATTN: PATENT RECORDS DEPARTMENT 599 LEXINGTON AVENUE, 29TH FLOOR NEW YORK, NY 10022-7650			EXAMINER HASAN, MOHAMMED A	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 03/06/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,530	Applicant(s) FUJITA ET AL.	
	Examiner Mohammed Hasan	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/10/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

1. Oath and declaration filed on 7/10/2006 is accepted.

Information Disclosure Statement

2. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 7/10/2006 have all been considered and made of record (note the attached copy of form PTO – 1449).

Drawings

3. The drawings are objected to because some of the figures are shadow and numeral number is shadow. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after

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the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are reject under 35 U.S.C. 112 , second paragraph as being indefinite for failing to particularly point out and distinctly claim subject matter which applicant regards as the invention .

Regarding claim 1, The phrase " magnetic attraction force " and "magnetic repulsion force caused between the first magnetic means and the second magnetic means" did not mention how it effect lens body movement . The phrase "magnetic attraction force "and "magnetic repulsion force" rendered claim indefinite.

Claims 2-8 depend on claim 1, therefore rendered indefinite.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno (5,303,089) in view of Sue et al (7,298,562 B2).

Regarding claim 1, Ohno discloses (refer to figure 1) a lens drive unit comprising: a movable lens body equipped with a lens (1) ; a drive means to move the movable lens body in an optical axis direction of the lens; a fixing body to support the movable lens body in such a manner to enable the movable lens body to move in the optical axis direction; and retaining a position of the movable lens body at both ends of an entire motion range in the optical axis direction; wherein the movable lens body is equipped with a first magnetic means (7) as the drive means; the fixing body is equipped with a second magnetic means (7) as the drive means which is placed so as to enable the movable lens body to move by one of magnetic attraction force and magnetic repulsion force caused between the first magnetic means and the second magnetic means; and furthermore, and one of the position retaining member and the movable lens body relatively moves so as to move the touching section for having the touching section touch at the movable lens body to retain the movable lens body at the middle position so that the number of retaining positions of the movable lens body increase from both the two ends of the entire motion range (column 3, lines 40-65).

Ohno discloses all of the claimed limitations except the fixing body is equipped with a position retaining member to retain the movable lens body at a middle position of

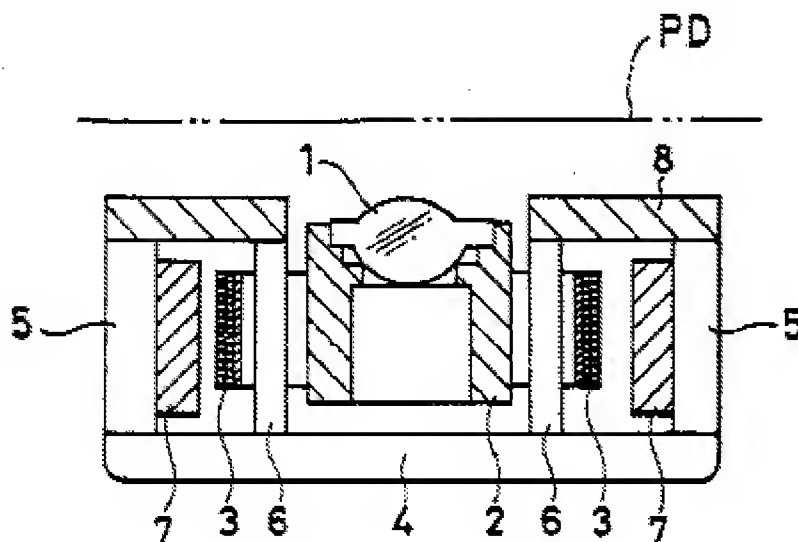
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the entire motion range in the optical axis direction while a touching section for touching at the movable lens body is touching at the movable lens body.

Sue et al discloses a fixed body 16 (as shown in figure 2) and the sleeve 15.

It would have been obvious to one of ordinary skill in the art at the time invention was made to provide a fixed body with the sleeve in to the Ohno lens drive unit for the purpose of fixed body support lenticular body and moving lenticular body moving an optical axis direction as taught by Sue et al (column 2, lines 20-25).

Fig. 1



Regarding claim 2, Ohno discloses, wherein one of the position retaining member and the movable lens body rotates relatively by using the optical axis as a rotating center so as to move the touching section for having the touching section touch at the movable lens body to retain the movable lens body at the middle position (as shown in

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figure 1).

Regarding claim 3, Ohno discloses wherein the touching section is formed in a plural number in a circumferential direction.

Regarding claim 4, Ohno discloses wherein the first magnetic means (7) is materialized by one of a drive magnet and a drive coil; the second magnetic means (7) is materialized by the other side elements of a couple of drive magnets and a couple of drive coils which are placed separately at both sides of the first magnetic means in the optical axis direction; the middle position is materialized under a positioning condition in which the first magnetic means is in proximity to the second magnetic means; and at the middle position, the movable lens body is touched to the touching section under forced condition, by magnetic attraction force between the drive magnet and a back yoke of the drive coil (as shown in figure 1).

Regarding claim 5, Ohno discloses wherein the position retaining member is located at a side of an image pickup device (as shown in figure 1).

Regarding claim 6, Ohno discloses wherein the touching section retains the movable lens body at the middle position by touching at an end surface in the optical axis direction of the movable lens body (as shown in figure 1).

Regarding claim 7, Ohno discloses wherein the position retaining member gets moved so as to move the touching section for having the touching section touch at the movable lens body to retain the movable lens body at the middle position (as shown in figure 1).

Regarding claim 8, Ohno discloses wherein the movable lens body gets moved

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so as to move the touching section for having the touching section touch at the movable lens body to retain the movable lens body at the middle position (as shown in figure 1).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammed Hasan/
Primary Examiner, Art Unit 2873
3/3/2009

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